

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BLACK LIVES MATTER SEATTLE-KING COUNTY, ABIE EKENEZAR, SHARON SAKAMOTO, MURACO KYASHNA-TOCHA, ALEXANDER WOLDEAB, NATHALIE GRAHAM, AND ALEXANDRA CHEN.

Plaintiffs,

VS.

CITY OF SEATTLE,

Defendant.

No. 2:20-CV-00887 RAJ

**STIPULATED ORDER ENTERING A
PRELIMINARY INJUNCTION**

WHEREAS on June 12, 2020, this Court conducted a hearing on Plaintiffs' Motion for Temporary Restraining Order, having reviewed briefs and supporting materials from the parties and hearing argument from counsel. *See* Dkts. 6-22, 25-33, 35-36.

WHEREAS, on June 12, 2020, this Court entered a Temporary Restraining Order against Defendant, City of Seattle, terminable on June 26, 2020. Dkt. 34.

1 WHEREAS, on June 17, 2020, the parties stipulated and agreed to entry of a preliminary
2 injunction without any admission by Defendant of wrongdoing or violation of law.

3 Based on the foregoing and the record before the Court, the Court hereby ORDERS:

4 (1) The City of Seattle, including the Seattle Police Department and any other officers,
5 departments, agencies, or organizations under the Seattle Police Department's control
6 (collectively, "the City"), is hereby enjoined from employing chemical irritants or projectiles
7 of any kind against persons peacefully engaging in protests or demonstrations. This injunction
8 includes:

9 (1) any chemical irritant such as and including CS Gas ("tear gas") and OC spray ("pepper
10 spray") and (2) any projectile such as and including flash-bang grenades, "pepper balls,"
11 "blast balls," rubber bullets, and foam-tip projectiles. This Order does not preclude individual
12 officers from taking necessary, reasonable, proportional, and targeted action to protect against
13 a specific imminent threat of physical harm to themselves or identifiable others or to respond
14 to specific acts of violence or destruction of property. Further, tear gas may be used only if
15 (a) efforts to subdue a threat by using alternative crowd measures, including pepper spray, as
16 permitted by this paragraph, have been exhausted and ineffective and (b) SPD's Chief of
17 Police has determined that use of tear gas is the only reasonable alternative available. The
18 Chief of Police may only authorize limited and targeted use of tear gas and must direct it to
19 those causing violent or potentially life-threatening activity. To the extent that chemical
20 irritants or projectiles are used in accordance with this paragraph, they shall not be deployed
21 indiscriminately into a crowd and to the extent reasonably possible, they should be targeted
22 at the specific imminent threat of physical harm to themselves or identifiable others or to
23 respond to specific acts of violence or destruction of property.

(2) In the event that Plaintiffs seek relief for an alleged violation of this Order, the City must respond to the motion for relief within 24 hours.

(3) Because this is a non-commercial case, the balance of hardships favors Plaintiffs, and there is no realistic likelihood of harm to the City of Seattle from enjoining its conduct, the Court waives the security bond requirement.

(4) This Order will expire on September 30, 2020.

(5) This Order is extendable or terminable by stipulation of the parties.

DATED this 17th day of June, 2020.

Richard D. Jones

The Honorable Richard A. Jones
United States District Judge